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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

Report of the Secretary-General submitted in accordance with paragraph 15 of Commission on Human Rights resolution 1995/48

Addendum

Report of the fourth workshop on regional human rights arrangements in the Asian and Pacific Region, Kathmandu, 26-28 February 1996

I. BACKGROUND AND PREPARATION OF THE WORKSHOP

1. Pursuant to Commission on Human Rights resolution 1995/48, the Centre for Human Rights organized, in cooperation with the Government of Nepal, the fourth workshop on regional human rights arrangements in the Asian and Pacific region, which was held in Kathmandu from 26 to 28 February 1996. The workshop was organized under the Centre's programme of technical cooperation in the field of human rights.

2. The long-term objective of the workshop was to ensure the promotion and protection of human rights in the Asian and Pacific region through the establishment of an effective regional human rights mechanism. The immediate objective was to define a process for the eventual establishment of a regional human rights arrangement.

3. The workshop was prepared on the basis of the achievements of the previous workshops, held in Manila (1990), in Jakarta (1993) and in Seoul (1994), as well as a seminar held in Colombo (1982). In view of the crucial stage the process had entered, special attention was given to the preparation of this workshop, which was carried out in close cooperation with the Governments of the region, through the host Government, and in consultation with relevant NGOs. With the understanding that it was premature, at this stage, to discuss specific arrangements relating to the setting up of a formal human rights mechanism in the Asian and Pacific region, such as those existing in Europe, the Americas or Africa, this workshop therefore put emphasis on exploring the options available and the process necessary for setting up such a regional mechanism. In this connection, a number of documents were produced in advance, including a technical cooperation project document outlining the objectives, activities and inputs for the successful holding of the workshop, and three workshop papers by three internationally recognized experts on the subject of regional human rights arrangements. These papers formed the basis for discussion at the workshop and helped to focus the debate on these issues.

II. PARTICIPATION

4. The workshop enjoyed the widest participation in the series, including, for the first time, representation from countries in West Asia. The Governments of the following 30 countries were represented: Afghanistan, Australia, Bangladesh, Bhutan, China, Democratic People's Republic of Korea, Fiji, India, Indonesia, Iran (Islamic Republic of), Iraq, Japan, Jordan, Malaysia, Maldives, Federated States of Micronesia, Myanmar, Nepal, New Zealand, Papua New Guinea, Philippines, Republic of Korea, Saudi Arabia, Singapore, Solomon Islands, Sri Lanka, Syrian Arab Republic, Thailand, United Arab Emirates and Viet Nam. Palestine was also represented at the workshop. Nine non-governmental organizations, both local and regional, participated as observers as well as representatives from national human rights commissions. United Nations and other international agencies and embassies in Kathmandu of countries from other regions also sent observers.

5. Prior to the workshop, a one-day NGO symposium entitled "Prospects and Challenges for Intergovernmental human rights instruments in Asia-Pacific: An NGO perspective" brought together many regional and Nepalese NGO representatives. Various NGO concerns and strategies were discussed and recommendations were made.

III. SUMMARY OF PROCEEDINGS

6. The respective opening statements by the High Commissioner for Human Rights and the Minister for Foreign Affairs of Nepal began the discussion in a constructive and cooperative atmosphere. A general willingness to achieve concrete progress was expressed from the beginning by many of the participants, who hoped that the Kathmandu workshop would identify specific steps that could be taken towards the establishment of regional arrangements on human rights. All of the delegates who spoke during the debates expressed their Government's willingness to cooperate in the implementation of such steps.

7. It was stressed that given the diversities and complexities of the region, the process of establishing a regional arrangement would have to be initiated on a step-by-step basis with the sharing of information and experience and the building up of national capacities for the protection and promotion of human rights to help accelerate the process towards the establishment of a regional arrangement. Specific steps that could serve as confidence-building measures were needed.

8. All the participants agreed on the importance of being clear on the rationale for a human rights arrangement in the Asian and Pacific region. It was strongly stressed that the fact that all other regions had human rights arrangements was not sufficient justification. It was on the basis of the needs and priorities of the Asian and Pacific region that the case for yet another regional human rights mechanism rested. While the experiences of other regions would be carefully examined, it was clear that a regional arrangement for the Asian and Pacific region would need to be designed based on the conditions prevailing in the region. Accordingly, the roles, functions and tasks of a regional human rights arrangement in the Asian and Pacific region would be identified by the Governments of the countries of the region, which would need to develop consensus as to what the outcomes and achievements of such a regional arrangement would be. A series of consultative arrangements with promotional mandates on information and education would serve as building blocks towards a regional arrangement.

9. Many areas for regional cooperation were discussed as the next step in a step-by-step process towards the establishment of a regional human rights arrangement, including the promotion of human rights education; building national capacities; developing strategies for the promotion and progressive realization of the right to development; developing regional and subregional human rights jurisprudence through the judiciary in countries where such an approach was appropriate; identifying shared human rights problem areas in the region, and expanding ratification of international human rights instruments.

10. The development of strategies for the promotion and progressive realization of the human right to development, and the role of regional cooperation thereon, was of interest to several of the delegates, especially in view of the interrelationships and linkages between development, human rights and democracy as reiterated in the Vienna Declaration and Programme of Action. Issues raised in the discussion included the identification of obstacles to the realization of the right to development resulting from economic policies of industrialized countries outside the region, or from coercive measures imposed from outside the region upon developing countries in the region. Discussion regarding these issues was limited by time constraints and they were deferred for further deliberation in the process leading to, and at, the next workshop.

11. The participation of Governments from West Asia for the first time in this process was highly appreciated and welcomed. The human rights concerns of many countries in West Asia were expressed at the workshop, which recognized the need for further discussion of these issues at future workshops.

12. After the adoption of the workshop conclusions, the representative of Australia spoke on behalf of the Pacific country delegates and requested that the text of the statement be attached to the workshop conclusions. The Chairman said that since the workshop conclusions had already been adopted, these observations would form part of the proceedings. The following is the text of the statement:

> "The Pacific country delegates to the fourth workshop on regional human rights arrangements recommend that further consideration be given to the establishment of an officials meeting to be held in parallel with regional meetings of national human rights institutions to form the basis of a regional arrangement to advance the protection and promotion of human rights in the Asia-Pacific region. Participation in the official meeting should not be in our view restricted to countries with existing national human rights institutions. The Pacific country delegates request that the open-ended team include the item in the agenda for the fifth workshop on regional human rights arrangements."

13. Participants believed that it was important to build on the momentum gained in Kathmandu in the run-up to the next workshop and beyond. The planning and design of the next workshop being especially important, it was crucial that consultations be initiated as soon as possible by the open-ended team.

IV. SUMMARY OF WORKSHOP CONCLUSIONS

14. It is significant that the workshop ended by adopting agreed conclusions, instead of Chairman's concluding remarks - the first workshop to do so. This development represents the achievement of consensus which will serve as a concrete basis for the work of future workshops. The workshop conclusions identified steps towards the establishment of a regional arrangement, with emphasis on regional cooperation on issues such as human rights education, ratification of human rights instruments, development of national action plans, and the important role played by national institutions and NGOs. The workshop conclusions are contained in annex I to the present report.

15. The workshop decided to set up for the first time, an open-ended team comprised of representatives of interested Governments of the region and the Centre for Human Rights. The team will consult with all concerned, including Governments, national institutions and NGOs to prepare for the next workshop envisaged for the end of 1996. The team will also develop proposals for moving closer to achieving the long-term objective of setting up a regional arrangement for the region.

Annex I

WORKSHOP CONCLUSIONS

1. The Workshop in Kathmandu, taking note of the positive role that regional arrangements could play in the promotion and protection of human rights, examined the experiences in other regions where such arrangements exist, and studied the possibilities and limitations of such experiences. The Workshop discussed common principles and explored enabling strategies and building blocks for the establishment of a regional arrangement in the Asian and Pacific region.

2. The Kathmandu Workshop welcomed the participation, for the first time, of delegates from West Asia and recognized the need to ensure that issues, concerns and priorities of West Asia were effectively addressed in future workshops.

3. The Kathmandu Workshop was able to build upon the common understandings, agreements and achievements of the three prior regional workshops, held in Manila (1990), Jakarta (1993) and Seoul (1994), particularly with respect to timely dissemination of human rights information to both Governments and non-governmental organizations.

4. It was felt that the diversities and complexities of the region would require the process of establishing a regional arrangement to involve extensive consultations among countries in the region in order to arrive at consensus. The Workshop however stressed the importance of initiating such a process on a step-by-step basis with the sharing of information and experiences and the building up of national capacities for the protection and promotion of human rights to help accelerate the process towards a regional arrangement. Specific steps that could serve as confidence-building measures were needed.

5. While the experiences of other regions would continue to be carefully examined, it was clear that any regional arrangement for the Asian and Pacific region would need to be based on the needs, priorities and conditions prevailing in the region. It was vital, therefore, that the rationale for any regional arrangements in the Asian and Pacific region should emerge from within. It was on the basis of the needs and priorities of the region that the case for yet another human rights mechanism such as a regional arrangement rested. Accordingly, the roles, functions and tasks of a regional arrangement in the Asian and Pacific region should be identified by the Governments in the region, which would develop consensus as to what the outcomes and achievements of a regional arrangement would be. A series of consultative arrangements with promotional mandates for information and education would serve as building blocks towards a regional arrangement.

Steps for regional cooperation

6. The Kathmandu workshop was convened pursuant to the Commission on Human Rights resolution 1995/48, entitled "Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region", in which the Commission invited States in the Asian and Pacific region to undertake actions

for the establishment of a regional arrangement for the promotion and protection of human rights. There was agreement that the step-by-step process towards the establishment of a regional arrangement should include the steps described below.

(a) The workshop recognized the importance of human rights education for both the promotion and protection of human rights as well as the development of national programmes on human rights education, including in the context of the United Nations Decade for Human Rights Education, and sharing of experiences in the region regarding such programmes.

(b) The workshop reaffirmed the call for the wider ratification by States of human rights instruments made by the World Conference on Human Rights in Vienna and reiterated that primary responsibility for the promotion and protection of human rights rested with the State.

(c) The workshop supported the development of national action plans on human rights, as proposed in the Vienna Declaration and Programme of Action, whereby States identify the steps by which they would improve the protection and promotion of human rights at the national level.

(d) The workshop reaffirmed the resolutions of the General Assembly and the Commission on Human Rights relating to national institutions for the promotion and protection of human rights (including resolution 1995/50, adopted by the Commission since the third workshop). In this regard, the workshop reaffirmed the principle contained in the Vienna Declaration and Programme of Action that it is the right of each State to choose the framework which is best suited to its particular needs at the national level. The workshop further reaffirmed that the development of national institutions should be in accordance with national legislation and the principles annexed to General Assembly resolution 48/134. The Workshop also recognized that the United Nations has played and should continue to play an important role in assisting the establishment and development of national institutions.

(e) The workshop welcomed the decision announced recently by several Asian and Pacific States to establish or consider establishing independent national institutions for the promotion and protection of human rights and encouraged all Member States in the region to take appropriate steps to facilitate bilateral and regional cooperation, including between national institutions, for the exchange of information and experience concerning the establishment and operation of such institutions. The workshop also encouraged States where national institutions for the promotion and protection of human rights already exist to strengthen those institutions, as outlined in the Vienna Declaration and Programme of Action and, where appropriate, incorporate these elements in national development plans or in their preparation of national action plans.

(f) The workshop noted the decision taken by national institutions at their April 1995 meeting in Manila to encourage Member States in the Asian and Pacific region to establish appropriate regional human rights arrangements and, specifically, more extensive cooperation between existing national

institutions in the region through bilateral and regional consultations, staff exchanges, regional conferences, joint projects and other appropriate programmes.

(g) The workshop welcomed all useful and positive roles played by NGOs in the promotion and protection of human rights, as well as their constructive participation in the process of the development of regional arrangements.

Other issues discussed at the workshop

7. The workshop also discussed the following issues: regional cooperation on common shared problems; the interrelationships between development; human rights and democracy; obstacles to the realization of the right to development; the question of the rationalization of the existing human rights mechanisms; and the possible development of human rights arrangements on promotional activities within existing regional and subregional organizations where appropriate.

8. The Workshop recognized the importance of the development of regional cooperation for the strengthening of national capacities in the field of human rights, including the strengthening of national legislative capacities.

Planning for the next workshop

9. The workshop concluded that it would be useful to create an open-ended team involving interested Governments in the region, as well as the Centre for Human Rights, which could consult with NGOs and national institutions to ensure the effective preparation of the next workshop and to facilitate the development of a regional arrangement.

Annex II

WORKSHOP PROGRAMME

Monday, 26 February 1996

Morning	Welcoming address by Dr. Prakash Chandra Lohani, Minister for Foreign Affairs of His Majesty's Government of Nepal
	Welcoming statement by the United Nations High Commissioner for Human Rights
	Introduction to the workshop and adoption of the programme
	Representative of the United Nations High Commissioner for Human Rights/Centre for Human Rights
	Representative of His Majesty's Government of Nepal
Afternoon	Establishment of a regional human rights arrangement in the Asian and Pacific region: Experiences of other regions
	Discussion
	Recent human rights developments in the Asian and Pacific region
	Discussion
Evening	Reception offered by the Minister for Foreign Affairs

Tuesday, 27 February 1996

Morning	Establishment of a regional human rights arrangement in the Asian and Pacific Region: Progress made and options available
	Discussion

Working session I

Afternoon	Organization of the work of working session I
	Establishment of a regional human rights arrangement in the Asian and Pacific region:
	Experiences of other regions;
	Human rights development in the Asian and Pacific region;
	Conclusions
Evening	Dinner hosted by the Minister for Home Affairs

Wednesday, 28 February 1996

Morning — Distribution and review of the draft conclusions

Working session II

Presentation of the draft conclusions

Discussions on the draft conclusions

Plenary session

Afternoon — Adoption of the draft report

Preparations for the fifth Asia-Pacific workshop

Closing statements

Representative of the United Nations High Commissioner for Human Rights/Centre for Human Rights

Representative of His Majesty's Government of Nepal